

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NAJEEB RAHAM,

Defendant.

Case No. 2:08-cr-0126-RLH-PAL

**ORDER**

(Motion to Reopen Case—#152)

(Motion to Withdraw Plea—#153)

Before the Court are two motions, brought in one, one-page document. The motions are: Motion to Reopen D.C. Case (#152, filed November 28, 2011), and Motion to Withdraw Guilty Plea Due to Ineffective assistance of Counsel (#153, filed the same day).

Inasmuch as the motions are totally without merit or substance, the Court will not require a response from the United States, but dispose of the motions forthwith.

First, Rahman presents no bases, *i.e.*, points or authorities, in support of either motion. He merely asks the Court to reopen the case and hold a hearing so he can address the issue of ineffective assistance of counsel. He presents no facts, or even arguments, to support such a claim.

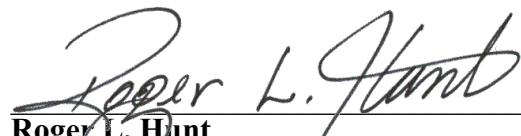
Second, this Court has already denied his motion to withdraw his guilty plea, on the ground that he provided no evidence to support the motion and his appeal of that motion was dismissed because he had waived his right to appeal. That order was affirmed on appeal, the Circuit Court finding that it could not conclude that his waiver of his right to appeal was made involuntarily. At the hearing before this Court, Rahman failed to present any evidence that his waive was involun-

1 tary, or that his counsel was ineffective, or that he was “misinformed” or “misguided” in entering his  
2 plea.

3 Third, he references the Circuit Court’s leaving open the possibility of raising an  
4 ineffective assistance of counsel claim in a subsequent *collateral attack*. These motions do not  
5 constitute a collateral attack. They are merely a renewal of motions already heard and denied (and  
6 affirmed). And, they provide no basis for holding a hearing or reopening the case except to state that  
7 he wants an opportunity to raise issues. These two motions, the body of which is contained in a 1/2-  
8 page, handwritten motion which only makes the request and which is devoid of any reasons or bases  
9 for the request.

10 IT IS THEREFORE ORDERED that Defendant’s Motion to Reopen D.C. Case  
11 (#152), and Motion to Withdraw Guilty Plea Due to Ineffective assistance of Counsel (#153) are  
12 DENIED.

13 Dated: December 5, 2011.

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15   
16 **Roger L. Hunt**  
**United States District Judge**